

**REGULATIONS FOR DROP-IN PROGRAMS SERVING
SCHOOL AGE CHILDREN AND YOUTH**

K.A.R. 28-4-700. Definitions.

- (a) “Adult responsible for a child or youth” means any of the following adults who is other than the child’s or youth’s legal parent and who is responsible for the care and upbringing of the child or youth:
 - (1) A stepparent;
 - (2) a grandparent;
 - (3) another relative; or
 - (4) a foster parent.
- (b) “Annual renewal date” means the date assigned to each licensee for the submission of the documents required to renew the license and payment of the annual license fee.
- (c) “Applicant” means any person who has submitted an initial application for a license to operate a drop-in program but has not received a temporary permit or a license.
- (d) “Department” means the Kansas department of health and environment.
- (e) “Drop-in program” means a child care facility that is not located in an individual’s residence, that serves exclusively school-age children and youth, and in which the operator permits children and youth to arrive at and depart from the program at their own volition and at unscheduled times. This term shall not include a program, instructional class, or activity as specified in K.A.R. 28-4-578(b).
- (f) “Kindergarten-age child” means a child who is attending kindergarten or who has completed kindergarten and has not entered first grade.
- (g) “License” means the document issued by the secretary that authorizes a person to operate a drop-in program.
- (h) “Operator” means a person who holds a temporary permit or a license to conduct a drop-in program.
- (i) “Premises” means the location, including each building and the adjoining grounds, for which the operator has a temporary permit or a license to conduct a drop-in program.
- (j) “School-age child” and “child” mean an individual who is of kindergarten age through the academic year in which the child is in the sixth grade and who is attending the drop-in program.
- (k) “School-age youth” and “youth” mean an individual who meets the following conditions:

- (1) Has completed sixth grade or is 12 years of age or older;
 - (2) is less than 18 years of age;
 - (3) is attending the program; and
 - (4) is not a volunteer or employee.
- (l) “Secretary” means the secretary of the Kansas department of health and environment.
 - (m) “Secretary’s designee” means the person designated by the secretary to assess compliance with drop-in program regulations.
 - (n) “Staff member” means both of the following:
 - (1) All personnel, including employees’ substitutes and volunteers, who provide administrative or direct services to children and youth; and
 - (2) auxiliary personnel, including cooks, drivers, office workers, and housekeeping staff, who provide indirect services.
 - (o) “Temporary permit” means the document issued pursuant to K.S.A. 65-504, and amendments thereto, that authorizes a person to operate a drop-in program before receiving a license as required by K.S.A. 65-501, and amendments thereto.

(Authorized by and implementing K.S.A. 65-508; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004.)

K.A.R. 28-4-701. Licensure; application; renewal.

- (a) Each person shall have a temporary permit or a license to operate a drop-in program before children or youth are in attendance.
- (b) Each operator shall submit a new application, the required forms, and the license fee, and shall obtain a new temporary permit or a new license from the secretary, as follows:
 - (1) Before a drop-in program that has been closed is reopened;
 - (2) if there is a change in the location of the drop-in program; or
 - (3) if there is a change of ownership of the drop-in program.
- (c) Each person wishing to conduct a drop-in program shall submit a complete application on forms supplied by the department. The application shall be submitted at least 90 calendar days before the planned opening date of the drop-in program and shall include the following:

- (1) A description of activities and services to be offered;
 - (2) a request for a criminal history and child abuse registry background check as specified in K.A.R. 28-4-705; and
 - (3) a nonrefundable license fee of \$20.00.
- (d) Each individual applying for a license shall be 21 years of age or older at the time of application, and shall comply with K.A.R. 28-4-587(b) (2) (A), (B), (C), or (D).
 - (e) Each corporation applying for a license shall be in good standing with the Kansas secretary of state.
 - (f)
 - (1) Before the annual renewal date, each licensee wishing to renew the license shall submit the annual nonrefundable license fee and shall complete and submit the following to the secretary, on forms supplied by the department:
 - (A) An application to renew the license; and
 - (B) a request to conduct a criminal history and child abuse registry background check.
 - (2) Each failure to submit the annual renewal documents and fee as required by paragraph (f) (1) of this regulation shall result in an assessment of a \$10.00 late fee payable to the secretary and may result in suspension of the license. Each late renewal fee assessed shall be paid upon request.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-501, 65-504, 65-505, and 65-516; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004.)

K.A.R. 28-4-702. Inspections; investigations. Each applicant and each operator shall give the secretary or the secretary's designee immediate entry and access to the premises and to any records kept, to determine compliance with applicable statutes and with the drop-in program regulations.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-512; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004.)

K.A.R. 28-4-703. Recordkeeping.

- (a) Each operator shall obtain the following information for each child or youth before or on the first day of attending the drop-in program:
 - (1) The first and last name and date of birth; and
 - (2) the name, address, and telephone number of each parent or other adult responsible for the child or youth, the names of any other persons authorized to pick up the child or youth, and emergency contact information.

- (b) Each operator shall obtain written authorization for emergency medical care, signed by the parent or legal guardian of each child or youth, before the child or youth attends the program or within the second week of attendance.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-507 and 65-508; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004.)

K.A.R. 28-4-704. Attendance policy; supervision.

- (a) Each operator of a drop-in program shall meet the following requirements:
 - (1) Each operator shall develop and implement an attendance policy that allows children and youth to arrive at and depart the premises unsupervised, at unscheduled times and at their own volition.
 - (2) The operator shall inform the parent or other adult responsible for each child or youth of the policy specified in paragraph (a)(1). The parent or guardian of each child or youth utilizing the drop-in program shall receive a written disclosure describing the activities in which the child or youth can participate and the level of supervision provided.
 - (3) Each operator shall immediately notify the parent or guardian when a child or youth either is injured and requires medical attention or dies.
- (b) Each staff member working with children and youth shall provide attentive supervision to protect the health, safety, and welfare of the children and youth, and to reduce the risk of injury, illness, and abuse.

(Authorized by and implementing K.S.A. 65-508; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004.)

K.A.R. 28-4-705. Criminal history and child abuse registry background check.

- (a) Each applicant and each operator shall submit the identifying information that is necessary to complete a criminal history and child abuse registry background check for each individual who works, substitutes, or regularly volunteers in the program, as follows:
 - (1) When applying for a license;
 - (2) when submitting an application to renew the license; and
 - (3) before allowing each new individual to work, substitute, or regularly volunteer in the program.

- (b) The identifying information specified in subsection (a) shall be submitted on a form supplied by the department.

(Authorized by K.S.A. 65-508; implementing K.S.A. 65-516; effective, T-28-3-19-04, March 19, 2004; effective Sept. 10, 2004.)

ADDITIONAL REGULATION REQUIREMENTS

K.A.R. 28-4-578. Licensure; amended license; exceptions; notification; renewal.

- (b) Exclusions. The following shall not be considered child care facilities:
- (1) An “extraordinary school program,” as defined in K.S.A. 72-8238, and amendments thereto, or a similar extended school day program that is conducted on the premises of an accredited non-public school, is attended only by pupils enrolled in the school in which the program is being conducted, and is staffed by certified elementary school teachers;
 - (2) a “summer program,” as defined in K.S.A. 72-8237, and amendments thereto;
 - (3) an instructional class or activity in which a child or youth is enrolled for the purpose of participating in only one specific subject or skill-building area, including religious instruction in a specific doctrine or tenet, academic or remedial instruction, a basketball clinic, a baseball league, dance or drama class, or a class in martial arts;
 - (4) a program of activities that serves exclusively school-age youth and that is not required to be licensed as specified in subsection (a) of this regulation;
 - (5) a program of activities that serves exclusively youth who are 16 years of age and older; and
 - (6) a program that is operated by a local unit of government or school district and that operates for no more than four consecutive hours per day or for no more than two consecutive weeks.

(Authorized by K.S.A. 65-508; implementing 65-501, 65-504, 65-505, and 65-516; effective, T-28-4-1-02, April 1, 2002; effective Jan. 10, 2003; amended, T-28-3-19-04, March 19, 2004; amended Sept. 10, 2004.)

K.A.R. 28-4-587. Staff qualifications; professional development; staffing requirements.

- (b) Program director qualifications.
- (2) In addition to meeting the requirements specified in paragraph (1) of this subsection, each program director shall meet one of the following qualifications, as appropriate to the license capacity of the program:
 - (A) For a license capacity of 30 or fewer children or youth, has been approved as a program director as specified in K.A.R. 28-4-429(b) or (c), or has at least three months of job-related experience;
 - (B) for a license capacity of 31 through 60 children or youth, meets one of the following requirements:

- (i) Has been approved as a program director as specified in K.A.R. 28-4-429(d) or (e);
 - (ii) has 15 academic credit hours; or
 - (iii) has six months of job-related experience.
- (C) for a license capacity of 61 through 120 children or youth, meets one of the following requirements:
 - (i) Has been approved as a program director as specified in K.A.R. 28-4-429(e);
 - (ii) has 60 academic credit hours;
 - (iii) has 12 months of job-related experience; or
 - (iv) has a combination of 30 academic credit hours and six months of job-related experience; or
- (D) for a license capacity of 121 or more children and youth, has a minimum of a four-year bachelor's degree from an accredited college or university and job-related experience.

(Authorized by and implementing K.S.A. 65-508; effective, T-28-4-1-02, April 1, 2002, effective Jan. 10, 2003, amended, T-28-3-19-04, March 19, 2004; amended Sept. 10, 2004.)